

**FILED**

SEP 10 2012

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
CLARKSBURG DIVISION**

**U.S. DISTRICT COURT  
CLARKSBURG, WV 26301**

**YEN TON,**

**Plaintiff,**

**vs.**

**CIVIL ACTION NO. 1:11-CV-152  
(Judge Keeley)**

**WALTHER PRODUCTIONS, INC., d/b/a  
ALL GOOD FESTIVAL, a Maryland corporation;  
ALL GOOD FESTIVAL, INC., a Maryland  
corporation; TIM WALTHER; JUNIPA CONTENTO;  
MARVIN HUGGINS; MARVIN'S MOUNTAINTOP, LLC,  
a West Virginia limited liability company;  
M & M PARKING, INC., a/k/a  
M & M PARKING SERVICES, INC.; a/k/a M & M  
EVENT SERVICES, LLC, a Pennsylvania corporation;  
EVENT STAFFING, INC., a Virginia corporation;  
NATIONAL EVENT SERVICES, INC., a New Hampshire  
corporation; AXIS SECURITY, INC., a Tennessee  
corporation; CLAY HARLIN LEWIN; JAMES TOBIN and  
JIM TOBIN PRODUCTIONS,**

**Defendants.**

**ORDER OF DISMISSAL**

On the 10<sup>th</sup> day of September, 2012, came the Plaintiff, Yen Ton, by counsel, and the Defendants James Tobin and Jim Tobin Productions, by counsel, and advised that all matters between them have been compromised and settled. Such parties have jointly moved for a dismissal of the action against James Tobin and Jim Tobin Productions as well as all cross-claims against such Defendants.

The Court finds that the settlement is in good faith and that the matter should be and is hereby DISMISSED with prejudice with respect to the Plaintiff's Complaint against James Tobin and Jim Tobin Productions. All cross-claims against James Tobin and Jim Tobin Productions are also DISMISSED with prejudice in light of the good faith settlement pursuant to the West Virginia

Supreme Court of Appeals' decision in Board of Education of McDowell County v. Zando, Martin and Milstead, Inc., 182 W.Va. 597, 390 S.E.2d 796 (1990).

It is so ORDERED.

ENTER this 10<sup>th</sup> day of September, 2012.

  
IRENE KEELEY, JUDGE